

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ESTATE OF MICHAEL EDWARD BELL, by
Special Administrator Michael Martin Bell,
KIM MARIE BELL,
MICHAEL MARTIN BELL, and
SHANTAE BELL,

Plaintiffs,

vs.

Case No. 05-C-1176

OFFICER ERICH R. STRAUSBAUGH,
OFFICER ERICH S. WEIDNER,
LIEUTENANT DAVID H. KRUEGER,
OFFICER ALBERT B. GONZALES,
KENOSHA POLICE DEPARTMENT,
c/o CHIEF OF POLICE DANIEL C. WADE,
and CITY OF KENOSHA,

Defendants.

**DEFENDANTS' RESPONSES TO PLAINTIFFS'
FIFTH SET OF WRITTEN INTERROGATORIES
DATED JUNE 19, 2007 TO DAVID H. KRUEGER**

The Defendants, by their attorneys, Gunta & Reak, S.C., submit the following responses to Plaintiffs' Fifth Set of Written Interrogatories Dated June 19, 2007 to David H. Krueger.

INTERROGATORY NO. 1: Identify each and every factual basis that supports your answer to Defendant Officer David H. Krueger's Response To Plaintiffs' Rule 36 Requests for Admission (hereafter "Response") Response No. 1 in which you denied that the front of the Nissan was on the left side of Michael Edward Bell's head at the time he was shot.

RESPONSE: Michael Bell was shot in the right side of the head by Officer Gonzales, who

was standing at the front of the Nissan.

INTERROGATORY NO. 2: Identify each and every factual basis that supports your Response No. 4 in which you admit that at the time Michael Edward Bell was shot the right side of his head was closer to the front of the Nissan than the left side of his head.

RESPONSE: Michael Bell was shot in the right side of the head by Officer Gonzales, who was standing at the front of the Nissan.

INTERROGATORY NO. 3: Identify each and every factual basis that supports your Response No. 5 in which you admit that at the time Michael Edward Bell was shot the left side of his head was closer to the windshield of the Nissan than the right side of his head.

RESPONSE: Michael Bell was shot in the right side of the head by Officer Gonzales, who was standing at the front of the Nissan.

INTERROGATORY NO. 4: Describe in detail the position you claim Michael Edward Bell's body was in at the time he was shot. The description should include:

- a. The position of his feet relative to the front driver's side tire;
- b. The position of his waist relative to the front driver's side tire;
- c. The position of his chest relative to the hood of the Nissan;
- d. The position of his head relative to his chest.

RESPONSE: Michael Bell was shot in the right side of the head by Officer Gonzales, who was standing at the front of the Nissan. I do not know the answer to the remaining inquiries in Interrogatory No. 4. I was attempting to gain control of Michael Bell, who was fighting with us and, I believe, attempting to gain control of Officer Straubaugh's gun so he could shoot us.

Dated this 31 day of July, 2007.

David H. Krueger

David H. Krueger

Subscribed and sworn to before me

this 21 day of July, 2007.

Cordell H. Johnson
Notary Public, State of Wisconsin
My Commission 5/16/10.